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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,724	02/25/2002	John Archer	577-526	3970

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,724

Applicant(s)

ARCHER ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a perimetrical side wall recited in claim 1 8 must be shown or the feature(s) canceled from the claim(s). Examiner suggests showing reference number for a perimetrical side wall. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7, and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Johnston (4,612,412).

Johnston discloses:

Regarding claims 1 and 19, a single gang electrical outlet box assembly (see fig1) for accommodating a single electrical fixture and for supporting a communication fixture (see fig 1), said assembly comprising: a generally rectangular electrical box 10 (see fig 1) having a first side wall spaced apart from a second side wall (see fig 1), said first and second side walls defining a first mounting axis therebetween generally parallel to said side walls for mounting said electrical fixture (see fig 1); and a supporting structure (see fig 1) extending from said first side wall (see fig 1) for accommodating a communication fixture, a second mounting axis generally parallel to said first side wall (see fig 1); said first and second mounting axes being substantially equidistant from a centerline of said first side wall

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(see fig 1). With respect to said first mounting axis being closer to said first side wall than said second side wall, it would have been an obvious matter of design choice to use said first mounting axis being closer to said first side wall than said second side wall, since applicant has not disclosed said first mounting axis being closer to said first side wall than said second side wall solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said first side wall and said second side wall of Johnston.

Regarding claim 2, the modified assembly of Johnston disclose all the features of the claimed invention as shown above, including said electrical box further comprises a back wall extending between said first and second side walls (see fig 1).

Regarding claim 3, the modified assembly of Johnston disclose all the features of the claimed invention as shown above, including said electrical box further comprises a top wall and a bottom wall connecting said first and second side walls. (see fig 1).

Regarding claim 4, the modified assembly of Johnston disclose all the features of the claimed invention as shown above, including said back wall further includes access openings adjacent said first and second side walls (see fig 1).

Regarding claim 5, the modified assembly of Johnston disclose all the features of the claimed invention as shown above, including said top and bottom walls further include mounting flanges 68 on an exterior surface of said top and bottom walls (see fig 5).

Regarding claims 6-7, the modified assembly of Johnston disclose all the features of the claimed invention as shown above, including said electrical fixture is selected from the group

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consisting of switches and receptacles . It is noted that the modified assembly of Johnston meet the structural limitations.

4. Claim 10 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Johnston (4,612,412) in view of Hansson (5,568,362).

the modified assembly of Johnson disclose all the features of the claimed invention as shown above, but fails to disclose said first side wall further comprises cable holding flanges. Hansson teaches the use of a cable holding flange 23 in order to hold cable 18 (see fig 1, column 2 lines 25-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide said first side wall of the modified assembly of Johnson with a flange as taught by Hansson in order to hold cables. With respect to flanges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of flanges, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

5. Claims 8-9, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 11-18 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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The primary reasons for the indication of the allowability of claims 8-9 and 11-18 are the inclusion therein, in combination as currently claimed, of the limitation of said supporting structure further comprises an upper leg spaced apart from a lower leg, said upper and lower legs connecting said first side wall to a joining strut extending between distal ends of said upper and lower legs (for claims 8-9), and said first and third mounting axis being substantially equidistant from a central line of said first side wall and said first mounting axis being closer to said first side wall than said second mounting axis is to said second side wall (for claims 11-17), and a perimetrical side wall extending from said back wall and an open front face defining a box interior for accommodating said fixture ; said perimetrical wall including opposed top and bottom walls and opposed side walls; said mounting members being aligned along an axis generally parallel to said side walls and said axis being closer to one of said side walls than to the other side wall (for claim 18).

The previously listed limitations are neither disclosed nor taught by the prior art of record, alone or in combination.

Response to arguments

7. Applicant's arguments with respect to claim 1-7 10 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhuru Patel whose telephone number is (703) 308 -3748. The

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examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel
Patent Examiner
Group Art Unit 2831
June 22, 2003

A handwritten signature in cursive script that reads "Dhiru Patel". The signature is written in dark ink and is positioned to the right of the typed name and title.